

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE DELTA DENTAL ANTITRUST LITIGATION

CIVIL ACTION NO.

1:19-cv-06734

DEFENDANTS' NOTICE OF RELATED CASE

Pursuant to the Initial Case Management Order (“CMO”) entered by the Court on November 25, 2019 (Dkt. 95), Defendants, through their undersigned counsel, hereby submit this Notice of Related Case.

On February 3, 2020, the following case was filed in the U.S. District Court for the Northern District of Illinois: *Endodontics of New Mexico v. Delta Dental Insurance Co., et al.*, Case No. 1:20-cv-00798 (“*Endodontics*”). The plaintiffs in the *Endodontics* case are represented by Katrina Carroll of Carlson Lynch LLP and Eric Cramer, Patrick Madden, Richard Schwartz, and Joshua Ripley of Berger Montague PC. The case is currently assigned to Judge John Z. Lee. A true and correct copy of the Complaint is attached hereto as Exhibit A.

The *Endodontics* Complaint alleges substantially overlapping claims as those brought in the consolidated *In re Delta Dental* cases. Like the complaints that have been consolidated before this Court, the *Endodontics* Complaint alleges antitrust violations based on claims of “market allocation,” *see Compl. (Ex. A) ¶¶ 79-94*, and it purports to bring the case as a putative class action on behalf of “[a]ll Delta Dental Providers, not owned or employed by any of the Defendants, that provided dental goods or services to a Delta Dental insured pursuant to a Delta Dental insurance policy within the United States,” *id.* ¶ 112. Furthermore, the *Endodontics* Complaint names the same Defendants as the consolidated complaint.

Under the CMO, the consolidated complaint filed with this Court “shall serve as the operative class action complaint, and the Defendants shall not be required to answer or otherwise respond to any other class action complaint filed to date or transferred into this Court.” *See* CMO (Dkt. 95), ¶ 18. Accordingly, pursuant to the CMO, we hereby notify the Court and Plaintiffs of this related case and respectfully request the *Endodontics* Complaint to be consolidated with the instant action.

Dated: February 5, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2020, I caused a true and correct copy of the foregoing DEFENDANTS' NOTICE OF RELATED CASE to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of E-Filing" to the attorneys of record in this case.

/s/ Britt M. Miller
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